

# Parental Consent for Abortion: Impact of the Massachusetts Law

VIRGINIA G. CARTOOF, PhD, AND LORRAINE V. KLERMAN, DRPH

**Abstract.** This study assessed the impact of Massachusetts' parental consent law, which requires unmarried women under age 18 to obtain parental or judicial consent before having an abortion. Data were analyzed on monthly totals of abortions and births to Massachusetts minors prior to and following the April 1981 implementation of the law. Findings indicate that half as many minors obtained abortions in the state during the 20 months after the law went into effect as had done so previously. More than 1,800 minors residing in

Massachusetts traveled to five surrounding states during these 20 months to avoid the statute's mandates. This group accounts for the reduction in in-state abortions. A small number of minors (50 to 100) bore children rather than aborting during 1982, perhaps because of the law. Findings suggest that this state's parental consent law had little effect on adolescent's pregnancy-resolution behavior. (*Am J Public Health* 1986; 76:397-400.)

## Introduction

During the decade following the legalization of abortion, large numbers of adolescents elected to terminate their pregnancies rather than to give birth. Between 1973 and 1980, adolescent abortions increased 86 per cent, from 201,327 to 375,213.<sup>1</sup> In 1977, 53 per cent of pregnant women under age 15 had abortions, as did 39 per cent of 15 to 17 year olds, and 35 per cent of 18 and 19 year olds.<sup>2</sup> In 1978, 24 out of every 1,000 White teenagers and 51 out of 1,000 teenagers of other races had abortions, up from 14 and 25 per 1,000, respectively, in 1973.<sup>3</sup> As the number of adolescent abortions rose over the decade, births to women under age 20 declined, and birth rates decreased substantially each year.

For most young adolescents, access to abortion without parental consent has been readily available. In a survey conducted in 1979-80, only 38 per cent of freestanding clinics and 48 per cent of hospitals required that parents consent to or be notified of a minor daughter's abortion.<sup>4</sup> In the absence of policies regarding parental consent, about half the adolescent population choose to involve their parents in a planned abortion.<sup>4-8</sup>

Despite the practices of abortion facilities and the observed behavior of pregnant teenagers, public opinion has not supported the notion that young adolescents should have access to an abortion without their parents' involvement. A 1983 Garth poll indicated that only 29 per cent of registered voters believed that minor women (generally those under age 18) should be allowed to have abortions without their parents being notified by the attending physician.<sup>9</sup> Six years earlier (in 1977), a Gallup poll had found that even among Americans who had positive attitudes toward abortion, only 46 per cent supported the idea that abortions should be available to minors on their own consent.<sup>9</sup>

Paralleling these trends, anti-abortion legislators and lobbyists have pressured for the passage of state laws regulating and restricting young women's access to abortion. Their efforts have been most successful in the enactment of parental consent and/or notification statutes which require that the parents of a minor woman consent to or be notified of a planned abortion. In some instances the permission of a probate or Superior Court judge may be substituted for

parental involvement, or physicians may be allowed to make individual exceptions. The age range of those who are subject to these laws varies as well, with some states targeting those under age 18 while others focus on those under age 16.

Eighteen states have enacted parental consent and/or notification laws since 1973, and, while some of these statutes have been struck down because of their failure to include constitutional safeguards to minors' rights to access to abortion, 12 laws were in effect in mid-1985.\* Additional state legislatures across the United States are expected to consider and pass bills requiring parental or judicial involvement with young adolescents' decision-making around abortion.

This article summarizes the findings of a study of the effects of one such law, first passed by Massachusetts in 1974, and then again in 1980, after six years of legislative and judicial debate that reached all the way to the US Supreme Court (*Bellotti v. Baird*, 443 U.S. 62, 1979). Finally, implemented in April 1981, the law requires that unmarried women under age 18 obtain the notarized or in-person consent of both their parents, or of a Superior Court judge before having an abortion. If judicial consent is sought, the Court must find a minor to be mature enough to make her own decision to abort, or that an abortion would be in her best interest.<sup>12</sup>

## Methods

Data were collected from the Massachusetts Department of Public Health on the number of abortions to minors and non-minors in the state each month during the period from August 1977 (the first month that Massachusetts' abortion data collection system was in place) through 1982. Additional monthly data on the number of Massachusetts minors who obtained abortions in five surrounding states (New Hampshire, Rhode Island, Connecticut, Maine, and New York) during 1980, 1981, and 1982 were collected. The number of births to minor women in Massachusetts each month during the years between 1970 and 1982 were also obtained. These data were examined for trend, and analyzed statistically using Box and Jenkins' univariate time series method.<sup>13,14</sup>

In addition, interviews were held with abortion clinic counselors and administrators in order to approximate the proportion of minors choosing each consent option after the law went into effect.

\*Parental consent statutes are in effect in Louisiana, Massachusetts, North Dakota, Rhode Island and Utah; and have been enjoined in Kentucky, Missouri, and Pennsylvania. Parental notification laws are in effect in Arizona, Idaho, Maryland, Minnesota, Montana, Utah and W. Virginia; and have been enjoined in Illinois, and Nevada.<sup>10,11</sup>

Address reprint requests to Virginia G. Cartoof, PhD, Boston University, School of Social Work, 264 Bay State Road, Boston, MA 02215. Dr. Klerman is Professor of Public Health, Department of Epidemiology and Public Health, Yale School of Medicine, New Haven, CT. This work was done at the Florence Heller School for Advanced Studies in Social Welfare, Brandeis University, Waltham, MA. This paper, submitted to the *Journal* July 8, 1985, was revised and accepted for publication October 11, 1985.

**TABLE 1—Number of Abortions to Women Ages 18 and Over, and 17 and Under in Massachusetts: 1978–1982**

Year	No. Abortions by Age (years)	
	18 and over	17 and under
1978 total	36,113	4,632
Monthly average	3,009	386
1979 total	38,845	5,221
Monthly average	3,237	435
1980 total	38,901	5,113
Monthly average	3,242	426
1981 total	37,672	3,370
January–April average	3,385	380
May–December average	3,017	231
1982 total	37,573	2,802
Monthly average	3,131	234

### Results

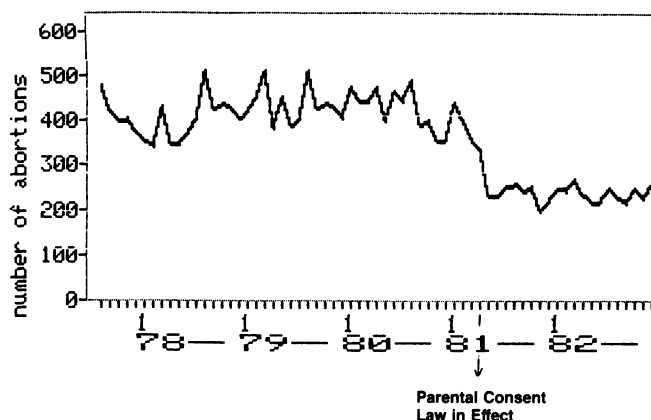
Abortions among women ages 18 and over in the state of Massachusetts increased each year between 1978 and 1980. Yearly totals began declining during 1981 and continued to decline in 1982. The adult population's use of abortion seems to have reached its "ceiling" in early 1981 and to have begun a gradual decline during the next 20 months.

Annual totals and monthly averages of women ages 17 and under who obtained abortions in Massachusetts increased between 1978 and 1979 then decreased in 1980. The monthly average continued declining during the first four months of 1981, just prior to the effective date of the parental consent law. The decline in the frequency of abortions to minors in the state that occurred in 1980 appears to have presaged a similar decline in abortions to women over age 18 that began in 1981 (see Table 1). During the 45 months prior to the law's implementation, an average of 412 minor women had abortions in the state.

On April 23, 1981, Massachusetts' parental consent law was implemented. Beginning in May of that year, and continuing through 1982, a monthly average of 233 women under age 18 had abortions in Massachusetts. The decline occurred abruptly and as soon as the law went into effect: 226 minor abortions were performed in May, the first full month that the law was in effect, the lowest number of these abortions performed in the state in any of the 45 months since data were first collected. This level was maintained, with little variation, for the next 20 months. As compared to the 45 months prior to the law's implementation, the monthly average for these 20 months represents a decline of 43 per cent, from 412 to 233 (See Figure 1). The possibility that these numbers may be deflated in part because of underreporting by individual physicians must be acknowledged. Physicians' liability to suit by the non-consenting parents of a minor abortion patient, we suspect, keeps such underreporting to a minimum.

According to abortion clinic personnel, about 75 per cent of the minors who remain in-state to terminate their pregnancies have parental consent, and the rest (about 50 girls a month) obtain consent from a Superior Court judge.

Prior to implementation of the parental consent law, few Massachusetts women of any age went to out-of-state facilities for their abortions: in 1980, only about 1,398 women did so, 3 per cent of the state's abortion patients.<sup>15</sup> During the four months that preceded implementation of the parental consent law (January through April 1981), an average of only

**FIGURE 1—Abortions in Massachusetts to Minors, 1977–82**

29 Massachusetts women under age 18 obtained abortions each month in four neighboring states: New York, New Hampshire, Connecticut, and Rhode Island (no data are available for the state of Maine before April 1981). None of these states had passed or implemented a parental consent law prior to or during this period. More than half of these out-of-state abortions were performed in Rhode Island, but Connecticut, New Hampshire, and New York also served between one and seven Massachusetts minors each of these months.

During May 1981, the first full month that the Massachusetts law was in effect, the number of minors who obtained out-of-state abortions jumped to 69, an increase of 130 per cent over the average of the first four months of 1981. From May through December 1981, a total of 731 Massachusetts women under age 18 had abortions in five surrounding states: Rhode Island (342, or 47 per cent of the total), New Hampshire (286, or 39 per cent), Connecticut (41, or 6 per cent), Maine and New York (31 apiece, or 4 per cent of the total each). During the last eight months of 1981, an average of 91 minors left Massachusetts for an abortion each month, or 300 per cent more than in the preceding four months. That figure increased to 95 a month during 1982, for a total number of out-of-state abortions of 1,141 in that year, bringing the 20-month (post-implementation) total to 1,872 and the monthly average to 94.

In addition to the monthly increase in 1982 over 1981, other new trends developed in that year in the distribution of Massachusetts minor abortion patients to other states: Connecticut and New Hampshire each captured an increased proportion of the total number (up 1.4 per cent and 6 per cent, respectively); and New York, Rhode Island, and Maine saw decreased proportions (down 1 per cent, 8 per cent, and 2 per cent, respectively). At least two identifiable factors seem to be responsible for these shifts between 1981 and 1982. The first is that Rhode Island began implementing its version of a parental consent law (only one parent's consent is required) in September 1982. As soon as that state's law went into effect, the flow of Massachusetts minors to Rhode Island diminished from an average of 40 a month (January through August 1982) to an average of only 12 a month (September through December). At the same time, Connecticut's share of Massachusetts minor abortion patients increased from four to 14 a month, and New Hampshire's from 42 to 53 a month. It is clear that the distribution of minor women in states other than their home state is dramatically and immediately affected by the presence of a parental consent law.

Astute marketing on the part of one New Hampshire facility, owned by a single physician, may have had an additional effect on these trends. This doctor began advertising in the 1982 Yellow Pages of metropolitan areas along the northern Massachusetts border, stating "consent for minors not required." In 1982, this facility performed a monthly average of twice as many abortions on Massachusetts' minors (27) as in 1981 (14).

In order to determine the extent to which minor abortions in Massachusetts were affected by the parental consent law, 65 monthly observations of abortions to minors in Massachusetts (August 1977 through December 1982) were analyzed using time series analysis. This analysis indicated the presence of a statistically significant intervention at the 46th month of the series, May 1981, the first full month after the law's implementation.

A second analysis of the law's impact was conducted on minor abortions in Massachusetts and in the five neighboring states described above, to determine the extent to which minors who did not obtain abortions in Massachusetts were represented by the 1,872 minor abortions performed in these states during the 20 months following implementation. When monthly observations of out-of-state abortions to Massachusetts minors were added to monthly totals of in-state abortions for the period May 1981 through December 1982, the significant residual found earlier at the 46th observation no longer occurred.

The limitation of this analysis is that complete data on out-of-state abortions to Massachusetts minors is unavailable for the 45 months prior to the law's implementation. While anecdotal data from this study indicate that a small number of such abortions did occur, national data on out-of-state abortions suggest that twice as many out-of-state minors came to Massachusetts for that reason.<sup>15</sup> Presumably, the flow of these minors into the state diminished appreciably when the law was implemented. We conclude that the effect of the omission of out-of-state abortions to Massachusetts minors in the preintervention period is compensated for by the inclusion of in-state abortions to non-Massachusetts minors during these 45 months.

A third analysis predicted the occurrence of Massachusetts abortions to minors in the absence of the parental consent law during the first 20 months the law was in effect. Table 2 presents a comparison of actual (in-state and out-of-state) abortions obtained by Massachusetts minors and those predicted by the model for these 20 months. The predicted observations in Table 2 are not intended as precise forecasts, nor can they be compared month-for-month with actual observations, as both contain a margin of error. Foremost among sources of error is the fact that abortions are obtained in Massachusetts between the 8th and 24th weeks of pregnancy. Nevertheless, totals of the two columns are close enough to lead to the conclusion that the vast majority of minors who would have had abortions in Massachusetts were it not for the parental consent law are accounted for by the 1,872 minors who went out of state for their abortions.

Annual totals of births and birth rates of under 18 year-old women residing in Massachusetts increased slightly from 1970 to 1972, fluctuated somewhat from 1973 through 1975, and then began decreasing gradually through 1981. In 1982, there was a slight, but hardly important increase: 0.1 births per 1,000 women ages 12 through 17 years. Table 3 summarizes these data.

Time series analysis of births to minor women in Massachusetts indicate that the parental consent law may have

TABLE 2—A Comparison of Actual and Predicted Observations of Abortions to Massachusetts Minors, May 1981–December 1982

Month/Year	Actual In-State	Actual Out-of-State	Actual Totals	Predicted Totals
1981				
May	226	69	295	306
June	229	86	315	368
July	248	112	360	321
August	253	120	373	385
September	240	99	339	281
October	247	108	355	314
November	193	70	263	282
December	215	67	282	277
1982				
January	244	100	344	328
February	238	93	331	320
March	263	107	370	341
April	226	86	312	315
May	212	91	303	291
June	217	112	329	315
July	246	108	354	327
August	223	101	324	394
September	210	94	304	300
October	244	86	330	314
November	223	75	298	283
December	256	88	344	279
TOTALS	4,653	1,872	6,525	6,341

TABLE 3—Massachusetts Resident Births and Birth Rates among Women Ages 12 through 17, 1970–82

Year	Number of Births	Rate per 1000 Women Ages 12 through 17
1970	2,929	9.4
1971	3,036	9.8
1972	3,268	10.6
1973	3,216	10.5
1974	3,087	10.1
1975	3,022	10.3
1976	2,736	9.3
1977	2,626	8.9
1978	2,570	8.8
1979	2,550	8.9
1980	2,471	8.4
1981	2,449	8.3
1982	2,478	8.4

SOURCES: Massachusetts Department of Public Health, Health Statistics; 1970 and 1980 Census of the Population, General Population Characteristics—Massachusetts.

had a very slight impact on the number of babies born to this population in 1982. Had the rate of decline continued in 1982 at the same pace as it had in the previous 10 years, the total for 1982 would have been reduced by between 50 and 100 births. Other demographic shifts may be responsible for the rise, however, including increased numbers of Latino adolescents in the Massachusetts population, a group that experiences high rates of childbearing.

### Discussion

These analyses indicate that the major impact of the Massachusetts parental consent law has been to send a monthly average of between 90 and 95 of the state's pregnant minors across state lines in search of an abortion. This number represents about one in every three minor abortion patients living in Massachusetts. More minors went out of state in 1982 than in 1981, suggesting wider knowledge and acceptance of out-of-state abortions by this population. If this trend continues, an ever-increasing proportion of young

women will be influenced by expanding numbers of their peers to leave Massachusetts in search of an abortion, largely because of the parental consent law.

The evidence regarding births to minors since the law's implementation is not quite as definitive. Both the annual total and the annual rate of these births indicate a small increase in 1982, the equivalent of about 50 to 100 births, over the previous year. While additional analysis would be required to determine definitively the cause of this increase, the possibility that the parental consent law was a contributing factor cannot be ruled out.

While advocates of parental consent laws support the concept in the name of family unity, enhanced communication between parents and their children, protection of young adolescents who are unable to make mature decisions, and a reduction in the rate of abortion among them, there is little evidence that this law is having those effects. Massachusetts minors continue to conceive, abort, and give birth in the same proportions as before the law was implemented.

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